

BROOKE BAKER, and
ROBERT BAKER,

Plaintiffs,

vs.

BARBARA MANGIAFICO,

Defendant.

GRANTED

CIVIL ACTION FILE

NO.: 17EV005118



MOTION TO COMPEL SOUTH COBB OB/GYN TO
RESPOND TO NON-PARTY DISCOVERY

COMES NOW, Defendant, in the above-styled case, and moves the Court for an Order requiring South Cobb OB/GYN to comply with the non-party discovery request, showing the Court the following:

1.

On April 10, 2018, counsel for Defendant submitted a Request for Production of Documents to a Non-Party to South Cobb OB/GYN for Medical records concerning BROOKE BAKER. See Exhibit A.

2.

On May 31, 2018, counsel for Defendant wrote to South Cobb OB/GYN requesting voluntary compliance with the pending request for documents. See Exhibit B.

The undersigned certifies that multiple attempts were made to resolve this matter without the necessity of intervention by the Court as described above, in a good faith effort to resolve these matters as required by Uniform State Court Rule 6.4(B).

WHEREFORE, Defendant prays:

- (a) that the Court issue an order requiring immediate compliance with the pending non-party request;
- (b) for an order awarding attorney's fees incurred due to this non-party's willful disregard of a lawful discovery request.

This Monday, June 11, 2018.

Respectfully submitted,



Alisa S. Connell
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Attorney for Defendant

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Plaintiffs,

vs.

BARBARA MANGIAFICO,

Defendant.

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ORDER GRANTING MOTION TO COMPEL
SOUTH COBB OB/GYN TO RESPOND TO NON-PARTY DISCOVERY

IT IS HEREBY ORDERED AND ADJUDGED, that Motion to Compel is hereby **GRANTED**. South Cobb OB/GYN is ordered to fully respond to Defendant's Request for Production of Documents to a Non-Party, no later than ten (10) days from the date of this Order.


This 16 day of July, 2018.

GRANTED



Judge, State Court of Fulton County

Prepared by:



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addressed envelope with adequate postage thereon to ensure delivery to:

J. Mac C. Pilgrim, Esq.
The Pilgrim Law Group
845 S. Carroll Road
Suite A&B
PO Box 2200
Villa Rica, GA 30180

South Cobb OB/GYN
1700 Hospital South Drive, Suite 500
Austell, GA 30106

Respectfully submitted,



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April 10, 2018

South Cobb OB/GYN
Attn: Records Custodian
1700 Hospital South Drive, Suite 500
Austell, GA 30106

RE: Patient: **BROOKE BAKER**
Date of Birth: [REDACTED]
Social Security No.: [REDACTED]
Baker vs. Mangiafico
State Court of Fulton County; CAFN 17EV005118

Dear Sir or Madam:

Please be advised that our firm represents Defendant, in a lawsuit filed in the State Court of Fulton County. In order to effectively represent our client, it is necessary to examine certain records regarding BROOKE BAKER.

Georgia law authorizes a party to a lawsuit to review documentary evidence in the possession of persons, firms, and/or corporations who are not actually parties to the lawsuit. This law reads in pertinent part as follows:

“(c) The provisions of this section shall also be applicable with respect to discovery against persons, firms, or corporations who are not parties, in which event a copy of the Request shall be served upon all parties of record.”

The law provides that a Request for Production of Documents pursuant to O.C.G.A § 9-11-34(c) shall be served upon the person who possesses the documents, with copies of the Request going to all parties of records in the lawsuit. The Request itself specifies that the documents are not to be produced before a particular date, and therefore, affords the lawyer representing Plaintiff an opportunity to object to the requested production.

Enclosed please find a Request for Production of Documents to a Non-Party addressed to you and an Authentication/Verification of Custodian of Records, which should be completed by you and forwarded to us along with the requested documents. **DO NOT COPY AND SEND**



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